

Hewitt

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DS RENDITE-FONDS NR. 62 MS CAPE COOK
GMBH & CO. CONTAINERSCHIFF KG,

Plaintiff,

07 CV 3822 (RJH)

v.

FAIRWIND SHIPPING COMPANY LIMITED,
FAIRWIND NAVIGATION CO.,
FAIRWIND (HOLDINGS) LIMITED, and,
FAIRWIND INTERNATIONAL CO., LIMITED,

**SECOND AMENDED
ORDER FOR ISSUANCE OF
A PROCESS OF MARITIME
ATTACHMENT**

Defendants.

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Upon reading the Second Amended Verified Complaint requesting issuance of Process of Maritime Attachment and Garnishment, and the Affidavit of Owen F. Duffy, Esq. attached thereto, and the Court finding that the conditions for an attachment under Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims Admiralty to the Federal Rules of Civil Procedure appear to exist, it is this day, by the United States District Court for the Southern District of New York, hereby

ORDERED that the Clerk shall issue a Process of Maritime Attachment and Garnishment as prayed for in the Second Amended Verified Complaint; and it is further

ORDERED that the Process of Attachment issued by the Clerk shall be against all property, tangible or intangible, including funds, goods, chattels, credits, effects, debts owned by or owed to the Defendants, FAIRWIND SHIPPING COMPANY LIMITED, FAIRWIND NAVIGATION COMPANY, FAIRWIND (HOLDINGS) LIMITED and/or FAIRWIND INTERNATIONAL CO., LIMITED or monies to be paid to discharge a debt owed to the Defendants, including monies being electronically transferred by or to FAIRWIND SHIPPING COMPANY LIMITED, FAIRWIND NAVIGATION COMPANY, FAIRWIND (HOLDINGS) LIMITED and/or FAIRWIND INTERNATIONAL CO., LIMITED which are in the possession or control of, or being transferred through any garnishee within this District, including, without limitation, property held by or in the possession or control of the following garnishee(s):

1. American Express Bank Ltd.
c/o Zeichner Ellman & Krause, LLP
Legal Counsel for Bank of America
575 Lexington Avenue, 10th floor
New York, New York 10022
2. Bank of America
c/o Zeichner Ellman & Krause, LLP
Legal Counsel for Bank of America
575 Lexington Avenue, 10th floor
New York, New York 10022
3. Bank of China
410 Madison Avenue
New York, New York 10017
4. Barclays Bank
200 Park Avenue
New York, New York 10166
5. Bank of New York
120 Broadway, 19th Floor
New York, New York

6. Citibank, N.A.
Legal Service Intake Unit
1 Court Square, 7th Floor
Long Island City, NY 11120
7. Deutsche Bank
60 Wall Street
New York, New York 10005
8. HSBC
452 Fifth Avenue
New York, New York
9. JPMorgan Chase Bank N.A.
One Chase Manhattan Plaza
New York, New York 10081
10. Standard Chartered Bank
One Madison Avenue
New York, NY 10010
11. Wachovia Bank
11 Penn Plaza
New York, New York 10001

or any of their affiliates and any other garnishee(s) within this district upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to the amount sued for, i.e., \$ 574,000.00, ~~plus interest and costs,~~ it is further

ORDERED that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted, and it is further

ORDERED that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment, and it is further

ORDERED that pursuant to Fed. R. Civ. P., Supplemental Rules for Certain Admiralty and Maritime Claims, Rule B(1)(d)(ii)(C), the Writ of Attachment may be served by any person, who is not less than 18 years old, and who is not a party to this action, and it is further

ORDERED that service on any garnishee(s) (i.e. any original garnishee or any garnishee herein) is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service through the opening of the garnishee's business the next business day, and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), that following initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment shall thereafter be made by way of service of a copy of the Process of Maritime Attachment and Garnishment via facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, and it is further

ORDERED that supplemental process enforcing this Order may be issued by the Clerk and served without further Order of the Court.

Dated: New York, New York
August 7, 2007

SO ORDERED:



U. S. D. J. m